

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN AND ANNE TARTIKOFF,

Plaintiffs,

v.

USAA CASUALTY INSURANCE  
COMPANY,

Defendant.

CIVIL ACTION  
NO. 23-1590

**ORDER**

**AND NOW**, this 29th day of August 2023, upon consideration of Defendant's Motion to Dismiss Count II – Bad Faith (Doc. No. 4), Plaintiff's Response in Opposition (Doc. No. 6), Defendant's Reply (Doc. No. 7), and in accordance with the Opinion of the Court issued this day, it is **ORDERED** that the Motion to Dismiss (Doc. No. 4) is **GRANTED**. Count II of Plaintiff's Complaint (Doc. No. 1) is **DISMISSED without prejudice**. It is **FURTHER ORDERED** that Plaintiff is granted leave to file an amended complaint with respect to Count II by **September 13, 2023**. If no amended complaint is filed by **September 13, 2023**, Defendant shall file an Answer to the Complaint by **September 20, 2023**.

BY THE COURT:

/s/ Joel H. Slomsky  
JOEL H. SLOMSKY, J.